

II. REMARKS

A. Status of the claims

Claims 15-24 are currently pending. Claims 1-14 have been cancelled without prejudice. Claims 15 and 17 have been amended. New claim 24 has been added. Support for the amendments and new claim 24 can be found throughout the application as originally filed, e.g. at pages 9, 10 and 17 of the specification. It is respectfully submitted that no new matter has been added by virtue of these amendments.

B. Rejection under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 8-14 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the claimed invention. Specifically, the Examiner rejected the phrase "use of" as being unacceptable claim language.

As claims 8-14 have been cancelled, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner remove the rejection under 35 U.S.C. § 112.

C. Rejection over Bok et al. (U.S. 6,096,364) under 35 U.S.C. § 102 (b)

In the Office Action, the Examiner rejected claims 8, 13-15 and 20-23 under 35 U.S.C. § 102 (b) as being anticipated by Bok et al. (U.S. 6,096,364). The Examiner stated that "Bok et al. teach [sic] blood glucose level lowering bioflavonoids . . . administered via various routes including oral, transdermal, subcutaneous, intravenous and intramuscular".

Applicants respectfully direct the Examiner's attention to amended claim 15, which recites in part, "... administering an effective amount of at least one polymethoxyflavone compound to reduce serum insulin levels by at least about

26%."

Applicants respectfully submit that the Bok reference fails to teach or suggest a method of reducing serum insulin levels in a mammal comprising administering an effective amount of at least one polymethoxyflavone compound to reduce the serum insulin levels by at least about 26 %, as recited in the present claims.

Further, the Bok reference fails to teach or suggest a method of treating a mammal having metabolic abnormalities resulting from insulin resistance comprising administering an effective amount of a mixture of polymethoxyflavone compounds, wherein the mixture comprises sinensetin, nobilten, tangeretin, heptamethoxyflavone, and tetramethylscutellarein, as recited in claim 24.

As the Bok reference fails to teach each and every limitation of the present claims, the Examiner is respectfully requested the remove the rejection under 35 U.S.C. § 102 (b) over Bok et al.

D. Rejection over Kurowska et al. under 35 U.S.C. § 102 (b)

In the Office Action, the Examiner rejected claims 8-10, 13-17, 20 and 21 under 35 U.S.C. § 102 (b) as being anticipated by Kurowska et al. The Examiner stated that "Kurowska et al. teach tangeretin, a flavonoid or a polymethoxyflavone, posses hypolipidemic activity ... [and] is administered orally ...".

The Kurowska reference fails to teach or suggest a method of reducing serum insulin in a mammal comprising administering an effective amount of at least one polymethoxyflavone compound to reduce the serum insulin levels by at least about 26 %, as recited in the present claims.

Further, the Kurowska reference fails to teach or suggest a method of treating a mammal having metabolic abnormalities resulting from insulin resistance comprising administering an effective amount of a mixture of polymethoxyflavone compounds, wherein said mixture comprises sinensetin, nobilten, tangeretin, heptamethoxyflavone, and tetramethylscutellarein, as recited in claim 24.

As the Kurowska reference fails to teach each and every limitation of the present claims, The Examiner is respectfully requested the remove the rejection under 35. U.S.C. § 102 (b) over Kurowska et al.

E. Rejection over Bok et al. in view of Kurowska et al. under 35 U.S.C. § 103 (a)

In the Office Action, the Examiner rejected claims 11, 12, 18 and 19 under 35 U.S.C. § 103 (a) as being unpatentable over Bok et al. in view of Kurowska et al. The Examiner stated that although "the cited reference does not teach the addition of a second bioflavonoid ... the secondary reference, Kurowska et al., teaches tangeretin, a well-known hypolipidemic agent used to treat insulin resistance syndrome."

As previously presented, Applicants submit that neither the Bok reference nor the Kurowska reference teach or suggest a method of reducing serum insulin levels in a mammal comprising administering an effective amount of at least one polymethoxyflavone compound to reduce the serum insulin levels by at least about 26 % as recited in the present claims. In addition, neither the Bok reference nor the Kurowska reference teach or suggest a method of treating a mammal having metabolic abnormalities resulting from insulin resistance comprising administering an effective amount of a mixture of polymethoxyflavone

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compounds, wherein said mixture comprises sinensetin, nobilten, tangeretin, heptamethoxyflavone, and tetramethylscutellarein, as recited in claim 24.

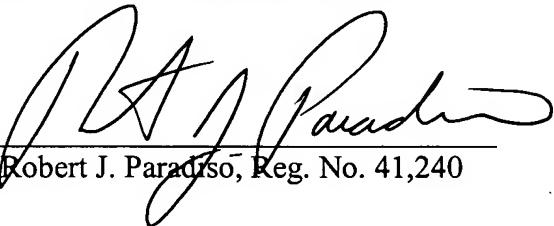
Therefore the Kurowska reference fails to cure the deficiencies of the Bok reference and Applicants respectfully request that the Examiner remove the rejection under 35 U.S.C. § 103 (a).

IV. Conclusion

In view of the actions taken and arguments presented, Applicants respectfully submit that the pending claims are in condition for allowance. An early and favorable Action on the merits is earnestly solicited.

It is believed that no fees are due for this submission. However, if it is determined that any fees are, the Commissioner for Patents is hereby authorized to charge said fees to Deposit Account No. 50-0552.

Respectfully submitted,
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